

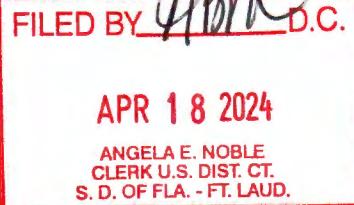
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION

United States of America

V

9:23-cr-80101-AMC

Donald J Trump , et al



**MOTION FOR LEAVE TO FILE AN
AMICUS CURIAE BRIEF IN SUPPORT OF THE DEFENDANTS**

Jose A. Perez respectfully requests leave to file the attached proposed amicus curiae brief in support of the Defendant Donald J Trump's Motion to Dismiss the Indictment. District courts possess the inherent authority to appoint "friends of the court" to assist in their proceedings¹.

I

AMICI CURIAE AT COMMON LAW

At Common Law Amici Curie did not have to be an Attorney² and were permitted to bring to the Courts' attention points of Law and Fact³. The amici

¹ Bayshore Ford Trucks Sales, Inc. v. Ford Motor Co., 471 F.3d 1233, FN 34 (11th Cir. 2006) citing *Lathrop v. Unidentified, Wrecked & Abandoned Vessel*, 817 F. Supp 953, 960 n. 10 (M.D.Fla.1993)

² The Amicus Curiae Brief. From Friendship to Advocacy, 72 YALE LJ. 694, 695 (1963)

³ *Ibid* 694

curiae, were utilized at an early date to avert injustices which might otherwise have resulted from strict application of the principles of adversary proceedings⁴-

Wherefore, Mr. Perez respectfully submits that his right to proceed as Amicus Curiae , ought to be subjected to a Bruen historical tradition analysis.⁵

II

WHENEVER THE GOVERNMENT INTERFERES WITH THE FREEDOM OF A PRESIDENTIAL CANDIDATE IT IS SIMULTANEOUSLY INTERFERING WITH THE FREEDOM OF HIS ADHERENTS

Justice Hugo Black once explained⁶ that most cases before the Federal Courts involve matters that affect far more people than the immediate record Parties. What was true of this Court in the past is true of most federal courts today. At every level, “lawsuits often are not merely a private fight and will have implications on those not named as parties⁷. The amicus curiae is not a party to litigation, but participates by making suggestions and ensuring complete presentation of fact and issues⁸.

⁴ Ibid 696 citing Coxe v. Phillips , 95 Eng. Rep. 152 (K.B. 1736).

⁵ *New York State Rifle & Pistol Ass'n, Inc. v. Bruen*, 597 U.S. ___, 142 S. Ct. 2111, 213 L. Ed. 2d 387 (2022).

⁶ Mary- Christine Sungaila, *Effective Amicus Practice Before the United States Supreme Court: A Case Study*, 8 S. Cal. Rev. L. & Women's Stud. 187, 188 (1999).

⁷ Wright & Miller, 7C Fed. Prac. & Proc. Civ. § 1901 (3d ed. 2002).

⁸ Alexander v. Hall, 64 F.R.D. 152, 155 (D.S.C. 1974).; The Amicus Curiae Brief. From Friendship to Advocacy, *supra* at 694,

Mr. Perez will show hereinbelow that the instant case involves and/or implicates HIS rights to vote and to election integrity: The US Supreme Court has ruled that qualified citizens⁹ , like Mr. Perez , have a fundamental constitutional right to vote and to election integrity ¹⁰ and those rights are protected against federal encroachment by the First Amendment and state infringement by the Fourteenth Amendment¹¹.

Whenever , as here, the government arbitrarily , whimsically capriciously interferes with the freedom of a Presidential Candidate it is simultaneously interfering with the freedom of his adherents. ¹²

The Right of Suffrage in a free and unimpaired manner is preservative of other basic civil and political rights , any alleged infringement of the right of citizens to vote must be carefully and meticulously scrutinized ¹³.

The Eleventh Circuit has ruled that individuals have a right to a private cause of action to defend their right to vote and to election integrity¹⁴. The former

⁹ Voting rights act - §10101.

¹⁰ *Purcell v. Gonzalez* , 549 US 1, 4 (2006)

¹¹ *Williams v Rhodes*, 393 US 23, 30-31 (1974) *Burdick v. Takushi*, 504 US 428 , 433, (1992); *Anderson v. Celebrezze*, 460 US 780 , 787-88 (1983)

¹² *Wymbs v Republican State Exec. Comm.* , 719 F. 2d 1072, 1084 (11th Cir-1984) citing *Sweezy v New Hampshire* , 354 US 234, 250-251 (1957) ; *US v South Dakota*, 636 F. 2d 241, 245 (8th Cir-1980) ; *Bullock v. Carter*, 405 US 134 , 143 (1972); *Democratic Party of United States v. Wisconsin ex rel. LaFollette*, 450 US 107 , 122 (1981)

¹³ *Smith, et al v Meese, et al* , 821 F. 2d 1484, 1489-90, 1494 (11th Cir-1987) citing *Reynolds v Sims* , 377 us 533, 554 (1964) : *Griffin v Breckenridge*, 403 US 88, 101-102 (1971)

¹⁴ *Schwier v Cox*, 340 F. 3d 1284, 1290 (11th Cir-2003)

III

CONCLUSION

For the reasons identified hereinabove , Jose A Perez , respectfully submits that the Court ought to grant his petition to proceed as Amicus Curiae..

Respectfully Submitted,



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CERTIFICATE OF SERVICE

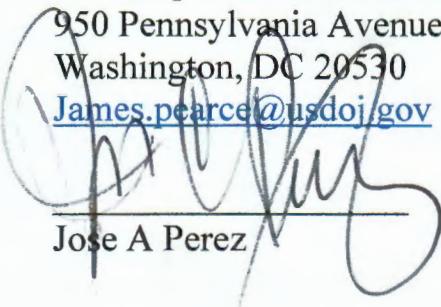
It is hereby certified that a copy of the foregoing was served by emailing a copy thereof, on this 19th Day of March 2024 to :

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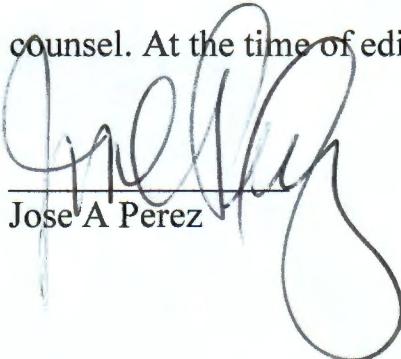
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Jose A Perez

CERTIFICATE OF CONFERENCE

Pursuant to S.D. Florida L.R. 88.9(a) Mr. Perez sent an email to the Parties' counsel. At the time of editing, they had failed or refused to respond.



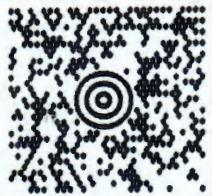
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